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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,163	08/18/2003	Heinrich Lang	LMX-62-CPA-CON-2	3590

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EXAMINER

ASSAF, FAYEZ G

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,163

Applicant(s)

LANG ET AL.

Examiner

Fayez G. Assaf

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/266,987.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Catlin et al. (US 5,721,646.)

Regarding claims 4, 6, 7 and 9, 10 and 12, Catlin discloses an external rearview mirror assembly for a vehicle comprising: a housing (20 of Fig. 1) defining an interior therein, a rim (81 of Fig. 1) configured to limit pivoting of a mirror assembly, and a covering (back of the housing); a holder (64 of Fig. 1) depending through the housing into the interior, the holder configured for attachment to the vehicle (Fig. 1, line 35 to line 38 of Col. 7); a carrier plate (18 of Fig. 1) defining a base portion with a recess thereon and a plurality of openings therethrough (see Fig. 6), the carrier plate attachable to the holder, the carrier plate spaced apart from the rim and the

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covering such that the plate is connected to the holder but not to the covering, the plurality of openings selected from the group consisting of offset openings, spaced-apart openings, elevated openings, recessed openings, openings configured for electrical connections, openings configured for attaching devices and combinations thereof (see Fig. 6); a mirror adjustment assembly (16 of Fig. 1) mountable to the carrier plate; and a mirror arrangement having a mirror glass (12 of Fig. 1) extending substantially in a given plane, the mirror arrangement mountable to the mirror adjustment assembly and the carrier plate by one of a sliding attachment, a screw attachment, a snap in attachment, a shape-fit attachment, a clamping attachment and combinations thereof (see Fig. 10), wherein one of the; housing, the carrier plate and combinations thereof are cooperable to provide structural support for one of the mirror adjustment assembly and the mirror arrangement. Catlin does not teach attaching the carrier plate to the holder by clamping.

However, attaching mechanical parts by clamping mechanism in a mirror assembly is well known in the art.

It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to use the

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clamping mechanism in attaching the plate to the holder for the purpose of reducing the time required to assemble the device.

Regarding claims 2 and 8, Catlin discloses the plurality of openings being adjacent cells configured to dampen vibration of the mirror assembly (line 51 to line 62 of Col. 2.)

Regarding claim 3, the combination discloses the recess being shaped complementary to the holder.

Regarding claim 5, the combination discloses the plurality of openings varying in diameter and in height (see Fig. 6.)

Response to Arguments

Applicant's arguments filed 5/5/2004 have been fully considered but they are not persuasive.

The Examiner agrees with Applicant that claims 6 and 10 define over the reference of Catlin et al. if taken alone. The Examiner notes that Applicant did not respond to the 103 rejection as set forth in the Office Action mailed 4/15/2004. As such, claims 2-6, 8-10 and 12 still stand rejected (see Office Action).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

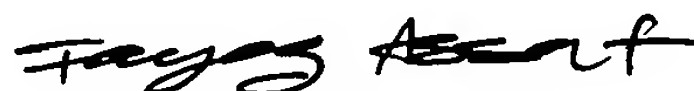
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fayez G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fayez G. Assaf
Examiner
Art Unit 2872

FA

4/25/2003